

## **EXAMINER'S COMMENT and EXAMINER'S AMENDMENT**

1. Applicant's amendments to the claims filed on 10/21/2008 are ENTERED.
2. Claims 1-37 and 42-74 have been cancelled by Applicant. Claims 38-41 are pending and under examination.
3. A corrected PTO-1449, originally mailed 12/31/2007, considering the information disclosure statements (IDS) submitted on 10/31/2006 is attached. Corrections were made by the examiner adding the publication dates of three non-patent literature publications.
4. Applicant is advised that the listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by Applicant in an IDS or by the examiner on form PTO-892, they have not been considered.

Art Unit: 1647

5. An Examiner's Amendment to the specification and the title appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

6. Authorization for this Examiner's Amendment was given in a telephone interview with Applicant's representative Tina McKeon on 14 November 2008. An interview summary memorializing the discussion of the proposed examiner's amendments is of record and an interview summary further discussing and authorizing the examiner's amendment is attached hereto. Authorization was given to correct a typographical error in the specification and delete a word from the title by Examiner's Amendment and pass the case to issue.

**In the specification:**

Page 7, line 2, the phrase "Figure 1c" is changed to "Figure 12c".

**In the title:**

The word "Novel" is deleted.

7. All pending rejections/objections are withdrawn in light of the amendments to the claims filed by Applicant on 10/21/2008 and the amendments to the specification and title as set forth by the Examiner's Amendment herein.

8. Claims 38, 39, 40, and 41 are allowed with the aforementioned Examiner's Amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cherie M. Woodward whose telephone number is (571) 272-3329. The examiner can normally be reached on Monday - Friday 9:00am-5:30pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath N. Rao can be reached on (571) 272-0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1647

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cherie M. Woodward/  
Primary Examiner, Art Unit 1647